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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/243,701 02/02/99 NEEDHAM

B INTL-0159-US

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WM02/1107

EXAMINER

DAVIS, T

ART UNIT

PAPER NUMBER

2681

DATE MAILED:

11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/243,701

Applicant(s)
Needham et al.

Examiner
Temica M. Davis

Art Unit
2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on May 14, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 15-25 and 27-29 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 15-25 and 27-29 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

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DETAILED ACTION

Reopening of Prosecution After Appeal

1. In view of the appeal brief filed on May 14, 2001, prosecution is hereby reopened. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options: file a reply under 37 CFR 1.111 or request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleck et al (Fleck), U.S. Patent No. 6,012,012.

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Regarding claim 15, Fleck discloses a server (service center) that receives audio messages (i.e. acoustic/speech, col. 6, lines 25-28, lines 58-62) from vehicles and transmits those messages to other vehicles (col. 2, lines 40-49), and a storage medium adapted to store said messages for access based on the position of the vehicle that transmitted the message (col. 5, line 55-col. 6, line 3, col. 7, lines 8-26).

Regarding claim 16, Fleck discloses the system of Claim 15 wherein said messages include appended vehicle position information (col. 5, line 66-col. 6, line 3).

Regarding claim 17, Fleck discloses the system of Claim 16 wherein said messages include appended vehicle direction information (col. 5, line 66-col. 6, line 3).

Regarding claim 18, Fleck discloses the system of Claim 15 wherein inherently including a radio frequency transmission device as evidenced by the fact that the transmission device is in a cellular environment (col. 5, line 66-col. 6, line 10; figure 4).

Regarding claim 19, Fleck discloses the system of Claim 18 including a cellular telephone link (col. 5, line 66-col. 6, line 10; figure 4).

4. Claims 22-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondou et al (Kondou), U.S. Patent No. 6,073,075.

Regarding claim 22, Kondou discloses a processor based system mountable in a vehicle, the system comprising a processor , a position locating device coupled to said processor (col. 6, lines 51-61; figure 8), a transmitter adapted to transmit requests for information with appended

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position information (col. 5, lines 6-21), and wherein said processor sorts received information based on appended position information and identifies that information when the vehicle to proximate to a location associated with the information (col. 5, lines 52-56 and col. 6, line 62-col. 7, line 17).

Regarding claim 23, Kondou discloses the system of Claim 22 wherein said transmitter is a radio frequency transceiver (col. 7, lines 3-17).

Regarding claim 24, Kondou discloses the system of Claim 22 wherein said transmitter is adapted to append compass information (e.g. GPS information) (col. 7, lines 7-17).

Regarding claim 25, Kondou discloses the system of claim 22 wherein said system is adapted to receive information previously transmitted and stored and then relayed to the vehicle, based on the vehicle's position (col. 5, lines 52-56, col. 6, lines 47-61 and col. 7, lines 3-17).

Regarding claim 27, Kondou discloses the system of Claim 22 wherein inherently, the transmitter is adapted to append information that identifies the transmitter as evidenced by the fact the system knows which terminal to download information to (col. 5, lines 30-35).

Regarding claim 28, Kondou discloses the system of Claim 22 adapted to transmit audio files (col. 6, lines 17-21).

Regarding claim 29, Kondou discloses the system of Claim 22 adapted to receive audio files (col. 6, lines 17-21).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al (Fleck), U.S. Patent No. 6,012,012 and Bourgeois et al (Bourgeois), U.S. Patent No. 6,108,534.

Regarding claim 20, Fleck discloses the system of Claim 15 as described above. Fleck, however, fails to disclose the system adapted to time stamp messages.

Bourgeois discloses a system adapted to time stamp data and voice messages (col. 7, lines 24-29 and col. 7, lines 63-65).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to time stamp messages for the purpose of

Regarding claim 21, the combination of Fleck and Bourgeois art discloses the system of Claim 20 adapted to discard messages based on their time stamp (Bourgeois, col. 8, lines 6-12).

Response to Arguments

7. Appellant's arguments filed May 14, 2001 with respect to claims 15-19 have been fully considered but they are not persuasive.

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8. Applicant's arguments with respect to claims 20-29 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 15, appellant argues that Fleck does not disclose or suggest a system wherein event information is stored and then served out to vehicles over time whenever they come to that location, rather Fleck discloses a real-time system in which information is sent immediately out to vehicles in the vicinity.

However, the claim language of claim 15 does not require information to be served out over time. The language of the claim only requires a server to receive messages from a vehicle and then transmit that information to other vehicles based on the position of the vehicle that transmitted the message.

Clearly, Fleck teaches these limitations. Fleck describes a mobile terminal that transmits information pertaining to various traffic conditions related to its position to other vehicles in its vicinity via a server (col. 2, lines 40-55 and col. 5, lines 29-47). Fleck also discloses wherein timing and positioning information of the vehicles traveling through certain road segments are transmitted to the server in order to determine when and where certain traffic conditions have occurred (col. 5, lines 5-10). Further the storage system described in Fleck is designed to store current and historical traffic information in order to provide instructions to vehicles that may be in the vicinity of certain traffic conditions such as accidents, congestion, etc. (col. 3, lines 7-17 and col. 7, lines 30-39)

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Therefore, based on the claim language and the remarks above, claims 15-19 stand rejected based solely on Fleck.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 customer service whose telephone number is (703)306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 202314


or faxed to:

(703) 872-9314 (for any communications intended for entry).

*Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*



Temica M. Davis
November 5, 2001



NAY MAUNG
PRIMARY EXAMINER